

Message Text

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ACTION EA-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10

L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 USIA-06

HA-05 /066 W

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FM AMEMBASSY MANILA

TO SECSTATE WASHDC 2360

LIMITED OFFICIAL USE SECTION 1 OF 2 MANILA 3338

E. O. 11652: NA

TAGS: SHUM, PINT, RP

SUBJECT: LEGISLATIVE ELECTIONS: DECISION NOT TO RELEASE

AQUINO DEFENDED AND ATTACHED

REF: MANILA 3127

1. SUMMARY: PRESIDENT MARCOS HAS PASSED A NEW AQUINO LETTER, REQUESTING ACCESS TO MEDIA, TO THE NSC, COMELEC AND HIS POLITICAL PARTY FOR CONSIDERATION. MEANWHILE, SECDEF ENRILE DENIED THAT THE NSC DECISION NOT TO RELEASE AQUINO TO CAMPAIGN WAS MADE FOR POLITICAL REASONS. IF RELEASED, HE SAID, AQUINO COULD RENEW CONTACTS WITH COMMUNISTS AND WITH "THE INTELLIGENCE AGENCY OF A FOREIGN POWER," AND HE COULD ALSO BE ASSASSINATED. AQUINO'S WIFE REBUTTED THE NSC DECISION, ARGUING THAT AQUINO COULD NOT HAVE KILLED INFORMERS FROM PRISON AND THAT HAVING INTELLIGENCE CONTACTS WAS PART OF HIS FORMER JOB AS PRESIDENTIAL ASSISTANT. AQUINO'S LAWYERS ALSO COMPLAINED TO THE SUPREME COURT THAT THE NSC DECISION PREJUDICED HIS LEGAL CASE. END SUMMARY.

2. MARCOS CONSIDERS NEW AQUINO REQUEST. PRESIDENT MARCOS HAS REFERRED OPPOSITION LEADER BENIGNO AQUINO'S LATEST LETTER, ASKING FOR MEDIA ACCESS WHILE IN DETENTION

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(MANILA 3163), TO THE NATIONAL SECURITY COUNCIL, THE COMMISSION ON ELECTIONS, AND THE PRO-GOVERNMENT KBL (NEW SOCIETY MOVEMENT) PARTY FOR CONSIDERATION. KBL SPOKESMAN AMBASSADOR J.V. CRUZ TOLD REPORTERS FEBRUARY 28 THAT THE PRESIDENT INSTRUCTED THE NSC EXECUTIVE COMMITTEE FEBRUARY 27 TO "STUDY ALL IMPLICATIONS OF AQUINO'S REQUEST AND FORMULATE A DECISION." CRUZ SAID THAT MARCOS ASKED

COMELEC TO STUDY THE CASE AS WELL, SINCE THE ELECTION CODE REQUIRES IT "TO SUPERVISE THE USE AND EMPLOYMENT OF PRESS, RADIO AND TELEVISION FACILITIES SO AS TO GIVE CANDIDATES EQUAL CIRCUMSTANCES.". CRUZ HIMSELF, AS KBL SPOKESMAN, HAS BEEN INSTRUCTED TO MEET WITH AQUINO'S LABAN PARTY "TO DRAW UP THE GUIDELINES ON AQUINO'S USE OF MEDIA PRIVILEGES IN THE EVENT THIS IS SANCTIONED." CRUZ COMMENTED: "IF MR. AQUINO IS ALLOWED ACCESS TO THE MEDIA, NATURALLY THE KBL WILL INSIST ON EQUAL OPPORTUNITIES."

3. DAILY EXPRESS COLUMNIST DOROY VALENCIA IMMEDIATELY ADVOCATED GIVING AQUINO ACCESS TO THE PRESS: "FORMER SEN. BENIGNO AQUINO, JR. WANTS TO HOLD PRESS CONFERENCES IN JAIL. WHY NOT? LET FILIPINO NEWSMEN INTERVIEW HIM. ... THERE IS NO REASON WHY AQUINO CAN'T HOLD A PRESS CONFERENCE TO PUSH HIS ELECTORAL CAMPAIGN AMBITIONS. NO SECURITY ARGUMENTS CAN BE INVOKED AGAINST THIS REQUEST."

4. ENRILE DEFENDS DECISION. DEFENSE SECRETARY ENRILE, WHO CHAIRS THE NSC EXECUTIVE COMMITTEE, REPEATED IN A CAMPAIGN SPEECH IN TUGUEGARAO, CAGAYAN PROVINCE, FEBRUARY 28, THAT THE NSC DECISION NOT TO RELEASE AQUINO WAS BASED PURELY ON LEGAL AND SECURITY CONSIDERATIONS (MANILA 3131). "PARTISAN POLITICS WAS NOWHERE INVOLVED HERE. THE DECISION WAS BASED PURELY ON THE RECORDS OF THE TRIAL... AS WELL AS THE RESULTS OF EXHAUSTIVE INVESTIGATIONS AND LIMITED OFFICIAL USE

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LEGAL OPINION. TO RELEASE AQUINO WOULD GIVE HIM THE OPPORTUNITY TO RENEW HIS LINKS AND CONTACTS WITH THE COMMUNIST PARTY OF THE PHILIPPINES AND THE NEW PEOPLE'S ARMY."

5. MOREOVER, ENRILE SAID, TO GRANT AQUINO'S REQUEST "COULD REACTIVATE ON A MORE INTENSIFIED SCALE THE PARTNERSHIP BETWEEN HIM AND THE INTELLIGENCE AGENCY OF A FOREIGN POWER."

6. ENRILE ALSO ARGUED THAT: "PERSISTENT AND RECURRENT REPORTS FROM VARIOUS INTELLIGENCE AGENCIES INDICATE THAT THE VIOLENT FOLLOWERS OF COMMANDERS MELODY AND PUSA ARE EAGERLY AWAITING AN OPPORTUNITY TO GET EVEN WITH AQUINO. IF RELEASED, AQUINO WOULD BE AN EASY AND IRRESISTIBLE TARGET ON THE CAMPAIGN PLATFORM FOR SUCH FOLLOWERS, AND THE ADMINISTRATION INEVITABLY IS TO GET THE BLAME."

7. AQUINO'S WIFE REBUTS NSC. AQUINO'S WIFE CORAZON RELEASED A PRESS STATEMENT FEBRUARY 28 TO REFUTE THE NSC DECISION. SHE QUESTIONED AQUINO'S ABILITY TO HAVE PEOPLE KILLED WHILE IN DETENTION, AND SHE CHARGED THAT SOME IF NOT ALL OF THE VICTIMS WERE APPARENTLY KILLED

BY THE GOVERNMENT. SHE ALSO NOTED THAT IN SOME CASES,
THE FACT THAT THE VICTIMS HAD TESTIFIED AGAINST AQUINO
HAD NOT BEEN PUBLICIZED.

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8. MRS. AQUINO'S PRESS RELEASE SAID THE FOLLOWING ABOUT
HIS ALLEGED CIA CONNECTION: "ABOUT THE NSC BLACK PROPAGANDA
THAT MY HUSBAND "BOASTED" OF A CONNECTION WITH A FOREIGN
INTELLIGENCE AGENCY, RECORDS WILL SHOW MY HUSBAND SERVED
THREE PHILIPPINE PRESIDENTS AS TECHNICAL AND SPECIAL
ASSISTANT. HE WAS DECORATED AND COMMENDED BY FOUR PRESIDENTS.
MOST OF HIS DECORATIONS AND COMMENDATIONS...WERE GIVEN HIM
FOR DISTINGUISHED SERVICE IN THE FIELD OF INTELLIGENCE AND
PACIFICATION. IN THE COURSE OF MY HUSBAND'S VARIOUS MISSIONS
FOR THE PRESIDENTS OF THE REPUBLIC, HE MET WITH--AND IN
SOME INSTANCES WORKED WITH--SOME FOREIGN INTELLIGENCE
AGENCIES." (COPY OF MRS. AQUINO'S PRESS STATEMENT BEING
POUCHED EA/PHL.)

9. AQUINO'S LAWYERS ALSO PROTEST NSC DECISION. IN A
SEPARATE COMMUNICATION TO THE SUPREME COURT, REPORTED IN
BULLETIN TODAY MARCH 1, AQUINO'S LEGAL ADVISERS (THE
LAW FIRM OF SALONGA, ORDONEZ, YAP AND ASSOCIATES, AND RAUL
GONZALES) SAID THAT THE NSC DECISION SHOWED "DISRESPECT
TO THE COURTS" AND "IMPEDED THE ADMINISTRATION OF
JUSTICE." THE COMMUNICATION ARGUED THAT "THE CONCLUSIONS
AND PRE-JUDGEMENTS BY THE NATIONAL SECURITY COUNCIL ARE
TANTAMOUNT TO A DISREGARD OF THE SUB-JUDICE NATURE OF
PETITIONERS' CASES." SINCE THE NSC DENIED AQUINO'S
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PETITION BY ALLEGING "OVERWHELMING EVIDENCE" AGAINST HIM, THE COMMUNICATION SAID, "IT IS PETITIONER'S SUBMITTAL THAT HE CAN NEVER GET ANY FAIR TRIAL ANYMORE BEFORE ANY MILITARY COMMISSION, NAY, PERHAPS ANY COURT FOR THAT IKATTER." (AQUINO'S MILITARY TRIAL IS PRESENTLY IN ABEYANCE PENDING A SUPREME COURT DECISION ON HIS REQUEST FOR HABEAS CORPUS AND TRANSFER OF HIS CASE TO A CIVILIAN COURT.)
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